

## **CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION**

Co-financed by the European Union

# ***The Migration Policy of the Republic of Belarus***

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CARIM-East Explanatory Note 13/148

Socio-Political Module

November, 2013

The policies of Belarus in the area of migration processes regulation aim to ensure national security, sustainable economic development, and the protection of citizens' rights.

From the time that the Republic of Belarus became independent, it developed a whole system of regulations governing the legal status of foreign nationals and stateless persons, and issues of labour and forced migration.

The Republic of Belarus's migration policy in the area of external labour migration aims to improve the regulation of the export and import of labour, protect the national labour market from uncontrolled streams of foreign labour, and support employment abroad for Belarusian citizens to counter a soft domestic labour market.

A licensing procedure has been established in the Republic to implement activities that attract foreign labour and employ citizens of the Republic of Belarus abroad. This type of activity is carried out by legal authorities and individual employers, who according to the prescribed procedure have received a special permit (a license) which the Ministry of Internal Affairs of the Republic of Belarus is authorized to issue.

The Republic of Belarus also attaches great importance to issues of forced migration. The legal establishment of relevant policies started as early as 1995 with the adoption of the law "On Refugees." In 1999, further restrictions were added; the provisions of the law did not apply to aliens whom were strongly suspected, in spite of the goals and principles of the UN, of being guilty of acts; quotas of registered applications for refugee status were also introduced. The law provides for the granting of refugee status to a person who in absence of the necessary circumstances has relatives who have received the status. The law also specifies a refugee's rights and obligations. In particular, it establishes the right of refugees to participate in integration programs, to receive assistance in the area of vocational training or employment, social security, education, the acquisition of property, and applications for permanent residence or for citizenship seven years after the receipt of refugee status. In 2001, the Republic of Belarus acceded to the 1951 Convention and the 1967 Protocol and subsequently developed a third version of the law "On Refugees." The new version (2003) provided for the right of an alien, whose application for refugee status was registered, to employment, the education of children in institutions providing general secondary education, and judicial protection. In 2006, changes were made to the law regarding the authority of the Ministry of Internal Affairs, and an extension of the length of time that one may retain refugee status in case of a temporary departure from the Republic of Belarus to one year.

In 2008, the Republic of Belarus adopted the law "On Granting Refugee Status, Subsidiary and Temporary Protection, to Foreign Nationals and Stateless Persons in the Republic of Belarus." This institution gave additional protection to foreign nationals (stateless persons) who lack grounds for refugee status but who have a well-founded fear of returning to the state of their nationality (their former habitual residence) due to the threat of the death penalty, torture and other cruel, inhuman, or degrading treatment and punishment, either life-threatening or due to violence in armed conflict situations. Subsidiary protection is granted for a period of up to one year and can be extended. Aliens who are granted subsidiary protection in the Republic of Belarus have the right to medical services and employment as do aliens living permanently in the Republic of Belarus. They also have the right to family reunification, residence in specially equipped places, and judicial protection. Temporary protection is granted to a group of aliens whose applications for protection cannot be reviewed individually due to their mass arrival at the same time. The law also defines categories of aliens who are not being expelled, in accordance with the international obligations of the Republic of Belarus, and their legal status. Refined and updated procedures on the reunification of families and identification include a number of provisions that aim to eliminate the abuse of aliens through the procedure of granting refugee status or subsidiary protection.

At the national level, the Declaration of Coordinated Migration Policy by the CIS member states was adopted. The plan of key activities to implement the concept of further development of the Commonwealth of Independent States provided for the improvement of the contractual legal framework of the Commonwealth and its member states participating in the area of migration. Real pre-conditions for overcoming the differences between the national laws of CIS member states have been created, improving the organizational component of cooperation, defining common approaches to recording migrants, and establishing a full-scale information exchange.

A protocol on the coordination of collaboration in the area of migration policy was concluded between the Council of the Heads of Migration Agencies of the Commonwealth Countries, the Council of Internal Affairs Ministers of CIS member States, the Council of Border Troop Commanders, and the Council of the Heads of Security Agencies and Special Services of CIS member states.

### **Programs on the Cooperation of CIS member States in the Fight Against Illegal Migration in 2009-2011**

Within the framework of international cooperation in the area of migration, the Executive Committee of the CIS signed a Memorandum of Understanding and Cooperation with the International Organization for Migration.

On March 26, 2010 a new version of the Republic of Belarus law “On the Procedure of Exit from the Republic of Belarus and Entry into the Republic of Belarus by Citizens of the Republic of Belarus” entered into force, which aims to improve the current procedure of going abroad.